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10/686,710	10/17/2003	Satoshi Miyaji	032024	8795

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EXAMINER	
THOMAS, JASON M	

ART UNIT	PAPER NUMBER
2623	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/686,710	MIYAJI ET AL.	
	Examiner	Art Unit	
	Jason Thomas	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 October 2003*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-5* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *24 January 2008* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☒ Certified copies of the priority documents have been received in Application No. 10/686,710.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *12/11/07*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Kenner et al. (U.S. Patent No. 5,956,716).

Regarding claim 1: Kenner discloses a storage and retrieval device (moving picture file distributing device) which receives video data (moving picture files) by uploading (see [column 10 lines 40-57] where video data is uploaded; see also [column 27 lines 63-65] and [column 31 lines 54-56] for section on uploading) and stores it in storage means (see [figure 1] where SRUs are shown; [column 28 lines 30-39] where uploaded data is stored on Web server; [column 10 lines 40-57] for storage engine; [column 28 lines 52-54] for the invoking of the storage management logic) and distributes the video data stored in the storage means to a client by downloading (see [column 5 lines 39-41] where users can access by downloading data via the Web or Web-like sites), comprising: upload buffer generating means for dynamically generating an upload buffer for temporarily holding a moving picture file at the time of reception for each session; and download buffer generating means for dynamically generating a download buffer for temporarily holding a moving picture file at the time of distribution for

each session (see [figure 2] for DSI buffer, [column 5 lines 8-38] for DSI session creation, [column 6 lines 42-52] for querying during a user session, [column 12 lines 5-18] for DSI session creation used to buffer data and its destruction immediately thereafter; [column 29 lines 36-40] where the same storage logic is inherent to the device and applied not only for the downloading but also for uploading video data as discussed in this section).

Regarding claim 2: Kenner discloses all of the limitations of claim 1 including means for holding an entire video data in the upload buffer before transferring the video data to the storage means (see [column 11 lines 33-44 and column 11 line 65 through column 12 line 3] for holding an entire contiguous video to be ready for transmission in the transmit buffer, [column 10 lines 40-57] for storage means; see also [column 29 lines 36-40] where the same storage logic is inherent to the device and also capable of being used for uploads); and means for, eliminating the upload buffer after transferring the video data to said storage means and generating the upload buffer prior to the start of said upload (see [column 12 lines 5-18] for DSI session creation for buffering data and destruction immediately thereafter; see also [column 29 lines 36-40] where the same storage logic is inherent to the device and also capable of being used for uploads).

Regarding claim 3: assuming the moving picture file distributing device is according to claim 1, Kenner discloses all of the limitations of claim 1 including means for each time holding fragmented video data in the upload buffer where

one fragment is completed before transferring the fragments to the storage means (see [column 15 lines 14-23] where the video data can be stored in storage blocks which are stored separately); and means for, eliminating the upload buffer after transferring the video data to said storage means and generating the upload buffer prior to the start of upload (see [column 12 lines 5-18] for DSI session creation for buffering data and destruction immediately thereafter; see also [column 29 lines 36-40] where the same storage logic is inherent to the device and also capable of being used for uploads).

Regarding claim 4: Kenner discloses all of the limitations of claim 1 including means for holding an entire video data in the download buffer before transferring the video data to the storage means (see [column 11 lines 33-44 and column 11 line 65 through column 12 line 3] for holding an entire contiguous video to be ready for transmission in the transmit buffer, [column 10 lines 40-57] for storage means) and means for, eliminating the download buffer after transferring the video data to said storage means and generating the download buffer prior to the start of said download (see [column 12 lines 5-18] for DSI session creation for buffering data and destruction immediately thereafter).

Regarding claim 5: assuming the moving picture file distributing device is according to claim 1, Kenner discloses all of the limitations of claim 1 including means for each time holding fragmented video data in the download buffer where one fragment is completed before transferring the fragments to the storage means (see [column 15 lines 14-23] where the video data can be stored in

storage blocks which are stored separately); and means for, eliminating the download buffer after transferring the video data to said storage means and generating the download buffer prior to the start of download (see [column 12 lines 5-18] for DSI session creation for buffering data and destruction immediately thereafter).

Response to Arguments

1. Applicant's arguments filed in response to the rejections of claims 1-5 have been fully considered but they are not persuasive.

Regarding Claim 1: Applicant asserts that claim 1 "receives a moving picture file from image pickup terminals and the like **by uploading, and meets download request from a client and downloads a moving picture file to the client**" and is therefore different from the system for delivery of the video data of Kenner et al. because "Kenner teaches the system for delivery of the video data that collects video clips from other hosts, and **only downloads** the video clips to a user's terminal."

Kenner, however, does teach the element of claim 1 that is in question. Looking to the claim language, "A moving picture file distributing device **which receives a moving picture file by uploading** and stores it in storage means, and distributes the moving picture file stored in the storage means to a client by downloading..." is recited.

Contrary to applicant's assertion that Kenner teaches a "system for delivery of the video data that collects video clips from other hosts," Kenner teaches a dynamic system which has a network of extended storage and retrieval units (SRUs) (see [fig. 4]) which act as a server when providing, by downloading, video data to a user terminal (see [abstract] for video data received by a user at the user's multimedia terminal; see also [col. 8, ll. 14-25] for downloading) and as a client when uploading video data to another extended SRU (see Section B. "Uploading and Distributing New Content" [col. 28, ll. 52-54]; where the Index Manager (IM) instructs one extended SRU to copy (upload) a file to at least one other extended SRU; see also [abstract], [col. 14, ll. 53-62], [col. 15-16, ll. 59-3], [col. 28, ll. 59-66], [col. 29, ll. 36-40] for uploading and distributing clips to geographically diverse servers unless denied storage by the receiving SRU).

Based on the aforementioned reasons it is clear that Kenner explicitly teaches, "A moving picture file distributing device which receives a moving picture file by uploading."

Applicant further asserts that: "Kenner does not describe an upload buffer generating means as recited in claim 1" because: a) Kenner teaches a DSI that collects and transmits video clips from extended and remote SRUs to local SRUs as well as determining the most appropriate routes and schedules for downloading request information; and b) Kenner fails to describe an upload buffer generating means which is furthered by FIG. 2 which specifically illustrates

a "DSI Download Buffer" and no illustrations are provided for or describe a DSI Upload Buffer.

Kenner, however, teaches the element of claim 1 that is in question. Looking to the claim language an, "upload buffer generating means for dynamically generating an upload buffer" is recited.

Kenner discloses a dynamic system which involves processes where the end user downloads video from a DSI (see [fig. 3]); and uploading processes from the DSI between remote and extended SRUs all of which is done to most appropriately route and schedule requested video data and to provide fast and efficient service to the user who request the video data for download (see [col. 5, ll. 27-35]).

This dynamic system uses a data sequencing interface (DSI) which is dynamically created (generated) during a user session upon a user's request of a video clip (see [col. 5, ll. 11-16], [col. 10, ll. 25-32], [col. 12, ll. 4-10], [col. 16, ll. 42-44], [col. 17, ll. 2-7], [col. 20, ll. 44-47] for dynamically creating a DSI for a user; see also [col. 12, ll. 14-18] for destroying the DSI after it's purpose is served). Although a buffer may be shown in the figures, the means to buffer data is not available until the DSI is used to buffer the data (see [fig. 3] where the DSI buffers video data received from remote or extended SRUs which is then later collected by the local SRU; see also [col. 11-12, ll. 65-2], [col. 12, ll. 10-12], [col. 16, ll. 53-57], [col. 25, ll. 45-48] , [col. 31, ll. 16-24]).

The DSI which is created (generated) for the purpose of buffering video data (see [col. 11, ll. 17-24]) is also used in the uploading process (see Section B. "Uploading and Distributing New Content [col. 29, ll. 33-40] where the DSI is used to disseminate video data to extended SRUs; see also [abstract], [col. 11, ll. 17-40], [col. 30-31, ll. 66-10], [col. 31, ll. 33-42], [col. 50-52] for uploading and distributing clips to geographically diverse servers known as remote and extended SRUs for dynamic load management).

Based on the aforementioned reasons it is clear that Kenner explicitly teaches an, "upload buffer generating means for dynamically generating an upload buffer."

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Thomas whose telephone number is (571) 270-5080. The examiner can normally be reached on Mon. - Thurs., 8:00 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Koenig can be reached on (571) 272-7296. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

J. Thomas

/Andrew Y Koenig/
Supervisory Patent Examiner, Art Unit 2623